

Memorandum

September 10, 2012

TO: Presiding Judge, 7th Judicial District

FROM: Rose McVay, Mental Health Advocate

RE: XXXXXXXXXXXXXXXX

As the Mental Health Advocate for Muscatine County, I have asked the clerk to present this memo along with the complete Court file for reconsideration.

The Court received a periodic physicians report dated September 4, 2012. Subsequently the Court issued an order for outpatient treatment. I would respectfully request the Court review said report again. The report is filed by XXXXXXXX. XXXXXXXX states in her report that the respondent IS capable of making responsible decisions regarding her treatment and she is NOT currently a danger to herself or others. Although I am not an attorney, I believe per the legal definition of serious mental impairment and as supported by the Iowa Supreme Court ruling: BAA vs. University of Iowa Hospitals, 421 N.W. 2d 118 (Iowa 1988) a respondent would have to meet all three criteria of serious mental impairment by clear and convincing evidence in order to remain under a mental health commitment.

Based on the information provided, I would request the Court consider termination of this commitment and allow XXXXXXXX to continue her treatment on a voluntary basis.